



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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June 29, 2020

VIA ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

Re: *SEC v. Steven Fishoff, et al.*, 18 cv 07685 (SDNY)(ALC-JLC)

Plaintiff Securities and Exchange Commission respectfully writes to notify the Court of the Supreme Court's decision in *Liu v. SEC*, 591 U.S. ___, 2020 WL 3405845 (June 22, 2020), and to seek leave to file a supplemental submission, by July 27, 2020, addressing the Commission's pending Motion for Judgment in light of *Liu*.

As background, the Commission filed its Motion for Judgment against Defendant Deshan Govender on October 31, 2019 and sought, among other things, \$222,788 in disgorgement. That motion was fully briefed as of December 16, 2019.

Last week, the Supreme Court held in *Liu* that "a disgorgement award that does not exceed a wrongdoer's net profits and is awarded for victims is equitable relief permissible" under the relevant provision of the federal securities laws. *Liu*, 2020 WL 3405845, at *2. The Commission therefore respectfully requests leave to file a submission within four weeks addressing the disgorgement the Commission seeks as to Govender in light of *Liu*.

Respectfully submitted,

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cc: Deshan Govender (via email)